

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**ROBERT A. RICHMOND, SR**

**Plaintiff,**

**V.**

**JAMES S. PRICE, et al.,**

**Defendant.**

**Civil Action No. 99-192E**

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR NEW TRIAL**

AND NOW, come the defendants, by their attorneys, Thomas W. Corbett Jr., Attorney General, Craig E. Maravich, Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and respectfully submit the following:

Plaintiff fails to meet the standard for requesting a new trial pursuant to Fed.R.Civ.P.Rule 59. See Cipriani v. Lycoming County Housing Authority, 177 F.Supp.2d 303 (M.D. Pa. 2001). A jury trial occurred and plaintiff fails to point to any evidence which would cause a new trial to be granted since the weight of the evidence was in favor of defendants and no substantial errors occurred in the admission or exclusion of evidence or with the charge to the jury. Id.

The record does not show that the jury's verdict resulted in a "miscarriage of justice" nor that the verdict "cries out to be overturned or shocks the conscience." Williamson v. Consolidated Rail Corp., 926 F.2d 1344, 1353 (3d Cir. 1991).

This was a multiple day trial. Plaintiff called numerous witnesses including himself, the defendants and another inmate, and put in evidence. Defendants likewise called witnesses and put in the evidence. The jury deliberated for a reasonable period of time and came back with a verdict in favor of defendants.

**CONCLUSION**

WHEREFORE, plaintiff's motion for new trial should be denied.

Respectfully submitted,

**Thomas W. Corbett, Jr.**  
Attorney General

BY: /s/ Craig E. Maravich  
CRAIG E. MARAVICH  
Deputy Attorney General  
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Date: May 1, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on May 1, 2006, I electronically filed the foregoing *Defendant's Response to Plaintiff's Motion for New Trial* with the Clerk of Court using the CM/ECF system. And I hereby certify that I have mailed the foregoing document by United States Postal Service to the following non CM/ECF participants:

**ROBERT A. RICHMOND**

DB-7852

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